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APR 20 2007

In re Application of : **OFFICE OF PETITIONS**  
Kenneth C. Widen :  
Application No. 10/701,760 : DECISION ON PETITION  
Filed: November 4, 2003 :  
Attorney Docket No. M-15290 US :

This is a decision on the petition under 37 CFR 1.137(b), filed September 12, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed February 17, 2006, which set a shortened statutory period for reply of thirty days. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). A Notice of Abandonment was mailed on August 23, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional

information. See MPEP 711.03(c)(II)(C). The instant petition lacks item (1).

The petition cannot be granted at this time since the reply to the outstanding Office action of February 17, 2006 has not been received. Since it appears that petitioner did not receive a copy of this Office action, a copy thereof accompanies this decision on petition.

Any further reconsideration of this decision should include a renewed petition under 37 CFR 1.137(b) (no additional fee due) and the required reply to the outstanding Office action of February 17, 2006.

It is noted that the Office action of February 17, 2006 was mailed as directed to the address noted in the Declaration for Patent Application and Power of Attorney. The record does not disclose that this Office action was returned to the Office as undeliverable. Accordingly, there is no indication that the Office action was never received at the address to which it was properly mailed.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.



Frances Hicks

Petitions Examiner  
Office of Petitions

ATTACHMENT: Copy of February 17, 2006 Office action